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866 Third Avenue, New York, N.Y. 10022

October 18, 1977

Anthony A. Lapham, Esq.
General Counsel
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Lapham:

Thank you for your letter of August 17, 1977 to Howard Frazier advising that there is no court order with any relevant bearing on the publication of those remarks by Victor Marchetti which were forwarded to your office August 6, 1977.

Our attorneys have asked that we bring to your attention the permanent injunction and final order in the case of The United States of America v. Victor L. Marchetti, Civil Action No. 197-72-A. The order of May 24, 1972 was revised on March 15, 1973. The revised order has two parts.

The first enjoins Marchetti "and all other persons in active concert and participation with him" from breaching the terms of Marchetti's secrecy agreement entered into with the C.I.A., except as authorized under that agreement.

The second part of the order states:

"FURTHER ORDERED:

That the defendant shall submit to the Central Intelligence Agency, for examination 30 days in advance of release to any person or corporation, any manuscript, article or essay, or other writing, factual, fictional or otherwise, which relates to or purports to relate to the Central Intelligence Agency, intelligence, intelligence activities, or intelligence sources and methods, for the purpose of avoiding inadvertant (sic) disclosure of classified information contrary to the provisions and conditions of the aforesaid secrecy agreement, and such manuscript, article, essay or other writing shall not be released without prior authorization from the Director of Central Intelligence or his designated representative."

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We feel it necessary to also inquire whether certain other contributors to our work, who were active in the intelligence community, were actual CIA operatives who would have signed a secrecy agreement similar to the signed by Marchetti. These contributors are:

L. Fletcher Prouty
John D. Marks
Winslow Peck

Please let me know as soon as possible whether you see any problem with either the proposed publication by Marchetti or the inclusion of contributions by the three men named above.

Thank you very much.

Sincerely,



Charles E. Smith
Assistant Vice President
Macmillan Publishing Co., Inc.

(for Howard Frazier)

CES/ck